IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Lori Weinacker, et al., Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-02286-BHH
Ennis Bagwell and Vickie Bagwell, Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendant.	Civil Action No.: 6:16-cv-02308-BHH
Tina DeYoung Smith, Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-03131-BHH
Thomas Fowler and Roseann Fowler, Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-02307-BHH
Earl Gilstrap and Laura Gilstrap, Plaintiff, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-03132-BHH
Felicia Johnson, Plaintiff, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-03130-BHH
Melvin Mattison, et al., Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-03128-BHH
James Thomason and Kaye Thomason, Plaintiffs, v. Sorin Group Deutschland, GMBH, et al., Defendants.	Civil Action No.: 6:16-cv-03129-BHH

Phillip Lamar West, et al.,	)	Civil Action No.: 8:16-cv-02688-BHH
Plaintiffs,	)	
v.	)	
Sorin Group Deutschland, GMBH, et al.,	)	
Defendants.	)	

RULE 26(f) REPORT

The parties, having consulted pursuant to Rule 26(f), Fed. R. Civ. P., hereby report as follows (check one below):

☐ We agree that the schedule set forth in the Conference and Scheduling Order filed is appropriate for this case. **The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**

X We agree that the schedule set forth in the Conference and Scheduling Order filed requires modification as set forth in the proposed Consent Amended Scheduling Order that will be e-mailed to chambers as required (use format of the Court's standard scheduling order) and is attached hereto pursuant to Court preference. **The parties' proposed discovery plan as required by Fed. R. Civ. P. Rule 26(f) and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**

☐ We are unable, after consultation, to agree on a schedule for this case. We, therefore, request a scheduling conference with the Court. **The parties' proposed discovery plan as required by 26(f) Fed. R. Civ. P., with disagreements noted, and the information required by Local Civil Rule 26.03 will be separately filed by the parties.**

(SIGNATURE PAGE ATTACHED)

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CONSOLIDATED CONSENT AMENDED SCHEDULING ORDER

Pursuant to the Federal Rules of Civil Procedure, the Local Civil Rules of this Court, and the Court's October 31, 2016, Order consolidating the above-referenced actions for pretrial discovery, the parties have conferred and agreed to the following schedule to be established for this case:

1. Motions to join other parties and amend the pleadings (Fed.R.Civ.P. 16(b)(3)(A)) shall be filed no later than **September 1, 2017**.[1]

2. Plaintiffs shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **February 12, 2018**.

3. Defendants shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **March 26, 2018**.

4. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **June 1, 2018**. Objections to such affidavits must be

[1] As a general rule, when no timely response is filed to any motion, the Court will grant the motion with the notation that it is being "granted *without opposition*."

made within fourteen (14) days after the service of the disclosure. (See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).

5. Fact discovery shall be completed no later than **January 8, 2018**. Expert discovery shall be completed no later than **May 7, 2018**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. **No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02 and have had a telephone conference with Judge Hendricks in an attempt to resolve the matter informally. The request for a telephone conference should be made within the time limit prescribed by local rule for filing such motion.**

6. Mediation shall be completed in this case on or before **June 1, 2018.** See the Mediation Order filed in this case which sets forth mediation requirements.

7. All other motions, except those to complete discovery, those non-waivable motions made pursuant to Fed.R.Civ.P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **June 1, 2018.** (Fed.R.Civ.P.16(b)(3)(A)).

8. This case is subject to being called for jury selection and/or trial after **September 2018**. Once a specific jury selection and trial date are scheduled, a Notice will be issued at that time. The Notice will set forth deadlines for the Fed. R. Civ. P. 26(a)(3) pretrial disclosures and objections, Motions in Limine, Pretrial Briefs, and marking of exhibits.

Dated: ________________________

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The Honorable Bruce Howe Hendricks,
United States District Court Judge, Greenville,
South Carolina

Pursuant to Local Civil Rule 83.06, this order is being sent to local counsel only.